



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,072	08/01/2001	Forest S. Baker IV	2866.2.1	4418

48720 7590 07/31/2006

DAVID FONDA  
DAVID B. FONDA, ATTORNEY AT LAW, P.C.  
11129 SOUTH CREEK RIDGE CIRCLE  
SOUTH JORDAN, UT 84095

EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/920,072	Applicant(s) BAKER, FOREST S.	
	Examiner Md S. Elahee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-18,20,21,76-93 and 96-116 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-18,20,21,76-93 and 96-116 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This case has been transferred from examiner Allan Hoosain to examiner Alam Elahee.

#### ***Response to Amendment***

1. This action is responsive to an amendment filed on 05/05/2006. Claims 1-6,8-18,20,21,76-93 and 96-116 are pending. Claims 7,19,22-38,94 and 95 have been cancelled. Claims 39-75 have been previously withdrawn. Claims 96-116 have been added.

#### ***Response to Arguments***

2. Applicant's arguments filed on 05/05/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2614

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-4,8-18,20,21,76-80,83-93,96-100,102-109,111-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** (US 6,216,111) in view of **Noble, Jr.** (US 6,356,634).

As to Claim 1, with respect to Figures 5-7, **Walker** teaches a method for customer contacting, the method comprising:

providing a system for interaction with a contact, the interaction being selectable between human and computer delivery (Col. 8, lines 1-12);

executing an interaction protocol to create an interaction with the contact (Col. 7, lines 32-49);

initiating a call to the contact (Col. 8, lines 42-51); and

interleaving live responses and recorded script selected by a computer (Col. 8, lines 1-12):

However, **Walker** does not teach, allowing an agent to selectively interleave and the recorded scripts selected from at least a script menu and an interjection menu. **Noble, Jr.** teaches

Art Unit: 2614

allowing an agent to selectively interleave and the recorded scripts selected by from at least a script menu and a voice files (Col. 5, lines 28-35 and 60-66) and Examiner takes Official Notice that interjection as a part of voice or speech is well known in the art. Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add agent selected scripts to **Walker's** invention for agents to transparently communicate with customers as taught by **Noble, Jr.'s** invention in order to provide agents with monitoring of customers responses.

As to Claim 2, **Walker** teaches the method of claim 1, wherein the executing an interaction protocol is done by one of a human agent and a computer script (Col. 8, lines 1-5).

As to Claim 3, **Walker** teaches the method of claim 1, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform (Col. 8, lines 28-32).

As to Claims 4,100,109, **Walker** teaches the method of claim 1, wherein the recorded script is selected from audio recordings (computer-generated wave files, audio recordings, and synthesized voice) (Col. 8, lines 28-32 and Col. 7, lines 10-13).

As to Claims 8,111, **Walker** teaches the method of claim 1, wherein executing an interaction protocol further comprises selecting a contact type (Col. 9, lines 1-4).

Art Unit: 2614

As to Claims 9,102,112, **Walker** teaches the method of claim 1, further comprising validating sales information (Col. 6, lines 26-38).

As to Claim 10, **Walker** teaches the method of claim 9, wherein validating sales information is done by one of a human agent and a computer dialing system (Col. 6, lines 26-39).

As to Claims 11,103,113, **Walker** teaches the method of claim 1, further comprising updating a customer file (Col. 6, lines 43-48).

As to Claims 12,104,114, **Walker** teaches the method of claim 1, further comprising maintaining a history of recorded scripts played (Col. 5, lines 48-50).

As to Claim 13, **Walker** teaches the method of claim 1, wherein initiating a call is executed by one of a human agent and a computer dialing system (Col. 8, lines 46-47).

As to Claim 14, **Walker** teaches the method of claim 1, wherein interleaving further comprises listening by the human agent to a response from the contact (Col. 8, lines 6-12).

As to Claim 15, **Walker** teaches the method of claim 1, wherein interleaving further comprises selecting and presenting content to the contact (Col. 7, lines 32-44).

Art Unit: 2614

As to Claim 16, **Walker** teaches the method of claim 15, wherein interleaving further comprises posing a question following presenting content (Col. 7, lines 45-49).

As to Claims 17,105,115, **Walker** teaches the method of claim 1, wherein interleaving further comprises deciding on intervention (Col. 8, lines 7-12).

As to Claim 18, **Walker** teaches the method of claim 17, wherein deciding on intervention is done by the human agent (Col. 8, lines 7-12).

As to Claim 20, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a live-voice response (Col. 8, lines 1-5).

As to Claim 21, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a recorded response (Col. 8, lines 1-5).

As to Claims 76-80,83-93,96-99,107,108 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Walker** teaches a computer readable medium having stored thereon computer executable instructions for performing a method for contacting a customer, the method comprising:

interleaving responses to the contact from a human agent and a recorded script [i.e., voice waveform] selected by a computer, the recorded voice waveform selected from at least a scripted response and an interjection (Col. 8, lines 1-8).

As to Claim 106,116, **Walker** teaches the method of claim 105, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response (Col. 8, lines 1-5).

6. Claims 5,82 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** in view of **Noble, Jr.** and further in view of **Rogers et al.** (US 5,946,386).

As to Claim 5, **Walker** teaches the method of claim 1, wherein the recorded script comprises a prerecorded script (voice waveform created independently) from the human agent;

**Walker** does not teach the following limitation:

“voice waveform created independently from the human agent”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Rogers** teaches creating VIP rules (scripts) by users (agents) and/or organizations. VIP rules created by organizations are independent of users (Col. 36, lines 12-17 and Col. 34, lines 56-67). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add organization scripts to **Walker**’s invention for supporting organizations sales calls as taught by **Rogers**’ invention in order to provide enhancement of sales opportunities.

As to Claim 82, **Walker** teaches the method of claim 1, wherein executing an interaction protocol further comprises:



**Walker** does not teach the following limitation:

“logging on by an agent”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches call handling by agents (Col. 8, lines 1-4). **Rogers** teaches users (agents) logging in (Col. 34, lines 30-35). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add agent login incapability to **Walker**’s invention for determining availability of users as taught by **Rogers**’ invention in order to provide enhancement of sales opportunities.

7. Claims 6,28,81,101,110 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** in view of **Noble, Jr.**, **Rogers** and further in view of **Miner et al.** (US 5,652,789).

As to Claims 6,28,81,101,110, **Walker** teaches the method of claim 5, wherein the voice waveform further comprises:

**Walker** does not teach the following limitation:

“an audio track of a voice response recorded by a voice actor”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Miner** teaches creating commands and tasks (scripts) with personalities (voice actors) for use by subscribers customer service representatives (Col. 45, lines 46-57). Since **Walker** and **Miner** are in analogous customer service representative art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add personality scripts to **Walker**’s invention

Art Unit: 2614

for supporting organizations sales calls as taught by **Walker's** invention in order to provide enhancement of sales opportunities.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Winter et al. (U.S. 4,697,282) teach Telephone operator voice storage and retrieval system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would


Art Unit: 2614

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ME

MD SHAFIUL ALAM ELAHEE

July 23, 2006

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER